

## Singapore Management University Institutional Knowledge at Singapore Management University

---

Research Collection School Of Law

School of Law

---

6-2012

# Confrontation or conciliation: Does science have the answer?

Nadja ALEXANDER

*Singapore Management University*, [nadjaa@smu.edu.sg](mailto:nadjaa@smu.edu.sg)

Follow this and additional works at: [https://ink.library.smu.edu.sg/sol\\_research](https://ink.library.smu.edu.sg/sol_research)

 Part of the [Dispute Resolution and Arbitration Commons](#), and the [Science and Technology Law Commons](#)

---

### Citation

ALEXANDER, Nadja. Confrontation or conciliation: Does science have the answer?. (2012). Research Collection School Of Law.

**Available at:** [https://ink.library.smu.edu.sg/sol\\_research/2194](https://ink.library.smu.edu.sg/sol_research/2194)

This Blog Post is brought to you for free and open access by the School of Law at Institutional Knowledge at Singapore Management University. It has been accepted for inclusion in Research Collection School Of Law by an authorized administrator of Institutional Knowledge at Singapore Management University. For more information, please email [libIR@smu.edu.sg](mailto:libIR@smu.edu.sg).

# Confrontation or conciliation: does science have the answer?

## Kluwer Mediation Blog

June 16, 2012

Nadja Alexander (Editor) (Singapore International Dispute Resolution Academy)

*Please refer to this post as: Nadja Alexander (Editor), 'Confrontation or conciliation: does science have the answer?', Kluwer Mediation Blog, June 16 2012,*

*<http://kluwermediationblog.com/2012/06/16/confrontation-or-conciliation-does-science-have-the-answer/>*

---

In this post I want to talk about an important thread that is emerging in the science of the twenty-first century. It is the finding that we are all interconnected, that we are porous beings with the ability to influence not only ourselves but one another in ways not previously contemplated. What we previously knew as real, that is the Cartesian duality of mind and body and the notion of separateness in relation to individuals and objects, is a fast-fading myth (Damasio 1994, 1999, BenZion 2010).

This new paradigm for understanding and experiencing the world has profound implications for our approach to conflict. It suggests that how we think can influence the development and life cycle of a dispute. In other words, attitude affects outcome. In this context neuroscientists and others are exploring the pivotal role of emotional and social intelligences in decision-making, negotiation and conflict resolution (Goleman 2011).

These scientific findings offer each and every one of us valuable insights into how our thoughts, feelings and behaviour can directly shape how we and others handle disputes and the ultimate outcome of those disputes. Science also suggests reasons why a conciliatory approach to conflict might be more effective than a confrontational one — essential grist for the mediator mill.

### Meet your brain

Let's start with some - highly simplified - brain work. The good news is that we have not one, but three brains. Our three brains, the rational brain, the emotional brain and the lizard brain, work together to support multiple intelligences in ways which have important implications for people in conflict.

Contrary to what many people think, emotions are an integral aspect of so-called 'rational' decision-making. Rational thinking involves input from the rational and emotional brains, which spend a lot of time communicating with each other and working together. In fact, it is the emotional brain that allows us to make smart decisions quickly as it searches its database of previous experiences. If we had to rely solely on our rational brain (neo-cortex), it would take forever to make simple decisions such as which brand of toothpaste to buy. Why? Because the rational brain would have to sift through all the available data, meticulously weighing up the advantages and disadvantages of each brand. By the time you'd done that, you'd be ready for dentures. Therefore emoto-cognitive processes cannot be neatly excised from each other; they occur in concert.

In a sense, emotions are ubiquitous. We cannot get rid of them. In fact, they are crucial for making smart choices and getting good outcomes. However we must remain our guard because emotions can

be hijacked. Confrontation can set off destructive emotions that seem to take over and inhibit our ability to deal with conflict in a constructive manner.

### **When emotions are hijacked, confrontation may seem unavoidable**

When we are enmeshed in conflict, our neuro-wiring changes and we are not always able to behave rationally. Here's what happens. It has to do with an almond-shaped volume button called the amygdala that helps to regulate levels of data flow between the rational, emotional and reptilian parts of our brain. When the amygdala is functioning well, decision-making occurs with input from the different brain centres—especially the rational and emotional brains. However, sometimes the amygdala gets stuck. This can occur when we are tense, stressed or in a conflictual situation. Just as our muscles may become stiff and tense, restricting blood flow and causing pain and headaches, so our amygdala can become locked in a tense state so that communication between the brain centres is temporarily interrupted. Information enters our brain and goes to the emotional—and sometimes also lizard—brain as usual, but it is prevented from accessing the rational brain. As a result, we react from these brain centres without rational input.

This is referred to as emotional hijacking or emotional flooding. Good thinking is hijacked as emotions flood the brain and trigger flight or fight responses. Flight equates to avoidance of conflict and flight refers to confrontation. Neither is useful. During emotional hijacking the hormone cortisol is released into the brain as a response to stress and increases our blood sugar levels. Neuro-imaging studies show that this can be an extremely rapid and non-conscious process—33 milliseconds can be all that is needed for our amygdala to respond to emotional stimuli. Unfortunately, while emotional hijacking can occur very quickly, it takes much longer to recover from that release of hormones that to come down from the natural highs we experience with the reward and pleasure chemical dopamine — more than 20 minutes according to scientists.

### **So what does this mean for how we deal with disputes?**

So how does this translate into dealing with conflict? Put simply, we cannot think rationally and make good decisions when we have been emotionally hijacked, so we should not try. The same goes for those around us. If we notice that the other person does not seem to be thinking clearly or is particularly stressed and anxious, then call for a break; give them time to get back into a good thinking space. It does not benefit anyone if the other party escalates emotionally and is unable to make a decision. Similarly, it is not useful if the other party agrees to something they later regret and subsequently attempts to sabotage implementation of an agreement.

When you are engaged in a conversation about a past event that has negative associations for you or the other person, be on your guard for emotional flooding. This can occur rapidly when our emotions are triggered through neural pathways associated with extremely vivid experiences that can be recalled in great emotional and sensory detail. Before we know it, our bodies and our minds stuck right back in that argument from last week.

In confrontational and stressful situations, we are all susceptible to a stuck amygdala and an overdose of cortisol. It is therefore crucial to be mindful of your body's emotional warning signs that tell you that you are hurtling towards a heightened state of tension, frustration or anger. For some of you it will be an increased heart rate and flushed face, for others muscle tension or abdominal discomfort associated with changed blood flow.

### **The power of empathy and contagious emotions**

So far I have suggested that confrontation tends to inhibit good thinking in at least one of the parties involved. Further, when you find yourself getting locked into an emotionally-laden confrontational situation, it's best to take a break to enable you to get back to an emotionally-rational space. But what about side-stepping confrontation and taking another path altogether?

When advocating conciliatory approaches to conflict, negotiation experts tell us to 'separate the people from the problem' and to treat the people differently from the problem (Fisher et al 2011). How differently? Well, they suggest that we should be 'soft on the people' and 'hard on the problem'. All well and good. But what does it mean? And does it really work?

Recent work in neuroscience has shown that emotions are contagious, that is they can move between us without us being consciously aware of it. This is made possible by mirror neurons in the brain, which fire up and 'mirror' what others seem to be experiencing. In other words, when we watch others' facial and body expressions, our brains – through the firing of mirror neurons – practise ways of relating to these expressions. This helps to explain how we can have empathy for people we encounter without even speaking to them (Goleman 2007). It also goes some way to explaining why it is difficult to sustain confrontational behaviour towards someone who is nice to you.

Being soft on the people, means using a constructive emotion such as empathy – rather than a destructive emotion such as anger – to set the emotional tone. Empathy is a whole-body phenomenon – it's not just about what you say, but how you say it; it's also about what you don't say and how you feel and kinaesthetically experience what's going on between you and the other. Research scientist Antonio Damasio (1994, 1999), among others, suggests that what we come to experience as 'emotions' are in fact interpretations of physical sensations. In other words, there is an embodied aspect to emotions.

Because emotions are contagious, it is hard to resist empathy – provided of course that it is authentic. Therefore, rather than waiting for emotions to flood our good thinking sense, we can use positive emotions, in particular empathy, to proactively shape how we and those around us respond to conflict.

When we demonstrate empathy, people feel recognised and listened to. Their mirror neurons start firing off and they are likely to reciprocate in kind by listening, acknowledging and eventually, empathising back. Once we are able to listen to each other as people, it becomes easier (although rarely easy) to get on with the business of talking through the difficult problems – together.



Blog